

AMENDED IN SENATE MAY 13, 2003

AMENDED IN SENATE APRIL 24, 2003

AMENDED IN SENATE APRIL 9, 2003

SENATE BILL

No. 842

Introduced by Senator Karnette

February 21, 2003

An act to add Section 60061.8 to the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 842, as amended, Karnette. Instructional materials: ~~universal design~~ *accessibility*.

Existing law provides for the adoption and selection of quality instructional materials for use in elementary and secondary schools, and imposes requirements upon publishers and manufacturers of instructional materials.

This bill would require publishers to ~~apply universal design strategies when creating~~ *make* instructional materials *more accessible to pupils with disabilities*. The bill would also require publishers to extend design principles of technology-based materials, as defined, to instructional materials, and to design digital multimedia programs intended for use by the general population of pupils in ways that facilitate access by pupils with disabilities who are progressing in the general curriculum.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *All major publishers of instructional materials are*
4 *developing various ways of delivering general curriculum to*
5 *pupils in an array of formats, including print, video, CD-ROM,*
6 *and the Internet.*

7 (b) *Federal legislation, including the Individuals with*
8 *Disabilities Education Act and the No Child Left Behind Act of*
9 *2001, mandate access to general curriculum for pupils with*
10 *disabilities.*

11 (c) *Powerful new learning technologies are being produced*
12 *today and more are yet to be defined. If access to those*
13 *technologies is not installed before production and dissemination*
14 *to schools, those technologies will have to be retrofitted at great*
15 *expense, in order to accommodate over 600,000 California pupils*
16 *with disabilities.*

17 SEC. 2. Section 60061.8 is added to the Education Code, to
18 read:

19 60061.8. (a) Recognizing that the range of performance and
20 ability of pupils in kindergarten and grades 1 to 12, inclusive,
21 varies greatly, publishers shall ~~apply universal design strategies~~
22 ~~when creating~~ *make instructional materials for use by pupils and*
23 ~~teachers~~ *more accessible to pupils with disabilities* in the public
24 schools after January 1, 2005.

25 (b) “Performance and ability,” as used in this section, means
26 the ability to see, hear, move, read, write, attend, organize, focus,
27 engage, and remember.

28 (c) ~~“Universal design,” as used in this section, means the~~
29 ~~design of technology-based learning resources that accommodate~~
30 ~~the widest range of pupils possible, without the need for adaptation~~
31 ~~or modification. Those design strategies shall be applied to print,~~
32 ~~video, audio, and digital instructional materials, or any~~
33 ~~combination thereof.~~

34 (d) ~~A publisher shall extend design principles of~~
35 ~~technology-based materials, as defined by Section 60010, to~~
36 ~~include the following:~~

37 (1) ~~—~~

(c) All print materials shall have sharp, clear, high contrast sans serif fonts comparable in shape to arial or helvetica. Print materials designed for kindergarten shall use fonts that are at least 20 point. Print materials designed for grade 1 shall use fonts that are at least 18 point. Print materials designed for grade 2 shall use fonts that are at least 16 point.

~~(2)–~~

(d) A publisher shall extend design principles of technology-based materials, as defined by Section 60010, to include the following:

(1) All video products designed for pupils in kindergarten and grades 1 to 12, inclusive, shall be closed-captioned, except those portions, if any, where the publisher does not have the rights to do so.

~~(3)–~~

(2) Internet resources for pupils in kindergarten and grades 1 to 12, inclusive, shall meet or exceed standards for Internet accessibility, as set forth in Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Code of Federal Regulations.

(e) A publisher shall design digital multimedia programs intended for use by the general population of pupils in ways that facilitate access by pupils with disabilities who are progressing in the general curriculum. Accessible design attributes shall be incorporated when the specifications of the digital multimedia can functionally accommodate features of universal design. If the general curriculum. If technologically feasible, a publisher shall design the multimedia program to allow the user to control sizing of images and fonts, speed and volume of audio, colors or contrast, or both colors and contrast, and other inherently transformable attributes, but not for modification of content, to match individual performance and abilities. If a publisher is not able to create a multimedia program that satisfies the requirements of this subdivision, the publisher shall provide the State Department of Education with an alternative accessible format, such as a rich text file (RTF), meeting department specifications, at no additional cost.

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